

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL No. 3047

This Document Relates to:

D.W., filed on behalf of minor R.W. v. Bytedance
Inc.; Bytedance Ltd.; TikTok, Ltd.; TikTok, LLC;
TikTok, Inc.; and Snap Inc.

**MASTER SHORT-FORM COMPLAINT AND
DEMAND FOR JURY TRIAL**

Member Case No.:

The Plaintiff(s) named below file(s) this *Short-Form Complaint and Demand for Jury Trial* against the Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations, claims, and relief sought in *Plaintiffs' Second Amended Master Complaint (Personal Injury)* ("*Second Amended Master Complaint*") (ECF No. 494) as it relates to the named Defendants (checked-off below), filed in *In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, MDL No. 3047 in the United States District Court for the Northern District of California. Plaintiff(s) file(s) this *Short-Form Complaint* as permitted by the Second Amended Stipulated Implementation Order Governing Adoption of Master Complaint (Personal Injury) and Short-Form Complaints for Filed Cases and by Case Management Order No. 7 (ECF No. 479).

As necessary herein, Plaintiff(s) may include: (a) additional Causes of Action and supporting allegations against Defendants, as set forth in Section III in additional sheets attached hereto; and/or (b) additional claims and allegations against other Defendants not listed in the *Second Amended Master Complaint*, and may attach additional sheets hereto.

Plaintiff(s) indicate by checking boxes below the Parties and Causes of Actions specific to Plaintiff(s)' case.

Plaintiff(s), by and through their undersigned counsel, allege as follows:

I. DESIGNATED FORUM

A. *For Direct Filed Cases:* Identify the Federal District Court in which the Plaintiff(s) would have filed in the absence of direct filing:

The United States District Court for the District of South Carolina

B. *For Transferred Cases:* Identify the Federal District Court in which the Plaintiff(s) originally filed and the date of filing:

II. IDENTIFICATION OF PARTIES

A. PLAINTIFF

1. *Plaintiff:* Name of the individual injured due to use of Defendant(s)' social media products:

R.W.

2. Age at time of filing: 15

3. City(ies) and state(s) where Plaintiff primarily used Defendants' platforms:

Summerville, South Carolina

4. Last Name and State of Residence of *Guardian Ad Litem*, if applicable:

Williams, South Carolina

5. Name of the individual(s) that allege damages for loss of society or consortium (*Consortium Plaintiff(s)*) and their relationship to Plaintiff, if applicable:

6. *Survival and/or Wrongful Death Claims, if applicable:*

(a) Name of decedent and state of residence at time of death:

(b) Date of decedent's death:

(c) Name and capacity (*i.e.* executor, administrator, etc.) of Plaintiff(s) bringing claim for decedent's wrongful death:

7. At the time of the filing of this *Short-Form Complaint*, Plaintiff(s) are residents and citizens of [*Indicate State*]: SC

B. DEFENDANT(S)

Plaintiff(s) name(s) the following Defendants in this action [*Check all that apply*]:

META ENTITIES

- ☐ META PLATFORMS, INC.,
formerly known as Facebook, Inc.
- ☐ INSTAGRAM, LLC
- ☐ FACEBOOK PAYMENTS, INC.
- ☐ SICULUS, INC.
- ☐ FACEBOOK OPERATIONS, LLC

TIKTOK ENTITIES

- ☒ BYTEDANCE, LTD
- ☒ BYTEDANCE, INC
- ☒ TIKTOK, LTD.
- ☒ TIKTOK, LLC.
- ☒ TIKTOK, INC.

SNAP ENTITY

- ☒ SNAP INC.

GOOGLE ENTITIES

- ☐ GOOGLE LLC
- ☐ YOUTUBE, LLC

OTHER DEFENDANTS

For each “Other Defendant” Plaintiff(s) contend(s) are additional parties and are liable or responsible for Plaintiff(s) damages alleged herein, Plaintiffs must identify by name each Defendant and its citizenship, and Plaintiff(s) must plead the specific facts supporting any claim against each “Other Defendant” in a manner complying with the requirements of the Federal Rules of Civil Procedure. In doing so, Plaintiff(s) may attach additional pages to this *Short-Form Complaint*.

	NAME	CITIZENSHIP
1		
2		
3		
4		
5		

C. PRODUCT USE

11. Plaintiff used the following Social Media Products that substantially contributed to their injury/ies (check all that apply, and identify approximate dates of use, to the best of Plaintiff's recollection):

☐ FACEBOOK

Approximate dates of use: _____ to _____

☐ INSTAGRAM

Approximate dates of use: _____ to _____

☒ SNAPCHAT

Approximate dates of use: Sep 2020 to 2024

☒ TIKTOK

Approximate dates of use: Sep 2020 to 2024

☐ YOUTUBE

Approximate dates of use: _____ to _____

☐ OTHER:

Social Media Product(s) Used	Approximate Dates of Use
	to
	to
	to
	to

D. PERSONAL INJURY¹

12. Plaintiff(s) experienced the following personal injury/ies alleged to have been caused by Defendant(s)' Social Media Products [*Check all that apply*]:

☒ **ADDICTION/COMPULSIVE USE**

☒ **EATING DISORDER**

☒ Anorexia

☐ Bulimia

☐ Binge Eating

☐ Other: _____

☒ **DEPRESSION**

☒ **ANXIETY**

☒ **SELF-HARM**

☒ Suicidality

☒ Attempted Suicide

☐ Death by Suicide

☒ Other Self-Harm: Cutting

☐ **CHILD SEX ABUSE**

☐ **CSAM VIOLATIONS**

☐ **OTHER PHYSICAL INJURIES (SPECIFY):**

¹ Plaintiff(s) must check-off all injuries allegedly caused by Plaintiff's use of Defendant(s)' Social Media Products. Plaintiff is not required to plead here emotional or psychological injuries inherent in injuries otherwise identified, or all manifestations of the injury alleged which will be inquired into as part of the Plaintiff's Fact Sheet ("PFS"). This *Short-Form Complaint* assumes that emotional and psychological injuries are asserted by Plaintiff in connection with any injury otherwise identified.

III. CAUSES OF ACTION ASSERTED

The following Causes of Action asserted in the *Second Amended Master Complaint*, and the allegations with regard thereto, are adopted in this *Short Form Complaint* by reference (*check all that are adopted*):

Asserted Against ²	Count Number	Cause of Action (CoA)
<input type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input checked="" type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____ ³	1	STRICT LIABILITY - DESIGN DEFECT
<input type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input checked="" type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____	2	STRICT LIABILITY - FAILURE TO WARN
<input type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input checked="" type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____	3	NEGLIGENCE - DESIGN
<input type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input checked="" type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____	4	NEGLIGENCE – FAILURE TO WARN
<input type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input checked="" type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____	5	NEGLIGENCE

² For purposes of this paragraph, “entity” means those defendants identified in Section II.B (*e.g.*, “TikTok entities” means all TikTok defendants against which Plaintiff(s) is asserting claims).

³ Reference selected Other Defendants by the corresponding row number in the “Other Defendant(s)” chart above, in Section II.B.

Asserted Against	Count Number	Cause of Action (CoA)
<input type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input checked="" type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____	7	VIOLATION OF UNFAIR TRADE PRACTICES/ CONSUMER PROTECTION LAWS <i>Identify Applicable State Statute(s):</i> _____
<input type="checkbox"/> Meta entities <input type="checkbox"/> Other Defendant(s) ## _____	8	FRAUDULENT CONCEALMENT AND MISREPRESENTATION (Against Meta only)
<input type="checkbox"/> Meta entities <input type="checkbox"/> Other Defendant(s) ## _____	9	NEGLIGENT CONCEALMENT AND MISREPRESENTATION (Against Meta only)
<input type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input checked="" type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____	10	NEGLIGENCE <i>PER SE</i>
<input type="checkbox"/> Meta entities <input type="checkbox"/> Other Defendant(s) ## _____	12	VIOLATIONS OF 18 U.S.C. §§ 2255 and 2252 (Civil remedy Certain activities relating to material involving the sexual exploitation of minors) (Against Meta only)
<input type="checkbox"/> Meta entities <input type="checkbox"/> Other Defendant(s) ## _____	14	VIOLATIONS OF 18 U.S.C. §§ 2255 and 2252A(5)(b) (Civil remedy for Certain activities relating to material constituting or containing child pornography) (Against Meta only)
<input type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____	16	WRONGFUL DEATH
<input type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____	17	SURVIVAL ACTION
<input type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____	18	LOSS OF CONSORTIUM AND SOCIETY

IV. ADDITIONAL CAUSES OF ACTION

NOTE

If Plaintiff(s) wants to allege additional Cause(s) of Action other than those selected in Section III, which are the Causes(s) of Action set forth in the *Second Amended Master Complaint*, the facts supporting those additional Cause(s) of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure. In doing so, Plaintiff(s) may attach additional pages to this *Short-Form Complaint*.

Plaintiff(s) assert(s) the following additional Causes of Action and supporting allegations against the following Defendants:

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such further relief that this Court deems equitable and just as set forth in the *Second Amended Master Complaint*, and any additional relief to which Plaintiff(s) may be entitled.

JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

By signature below, Plaintiff's counsel hereby confirms their submission to the authority and jurisdiction of the United States District Court for the Northern District of California for oversight of counsel's duties under Federal Rule of Civil Procedure 11, including enforcement as necessary through sanctions and/or revocation of *pro hac vice* status.

/s/ Previn Warren

Name: Previn Warren

Firm: Motley Rice LLC

Address: 401 9th Street NW, Ste 630 Washington, D.C. 20004

Phone: (202) 386-9610

Fax: (202) 232-5513

Email: pwarren@motleyrice.com

Attorneys for Plaintiff(s)

Previn Warren